

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSEPH BONGIOVANNI,
PETER GERACE, JR.,

Defendants.

NOTICE OF MOTION

Case No. 19-CR-227

S I R S :

PLEASE TAKE NOTICE that the undersigned will move this Court, at a date and time to be determined by this Court, for the following relief:

(1) An order sealing the Joint Defense Submission Requesting That the Court Vacate Its Sealing Order of April 11, 2022; and

(2) Such other and further relief as the Court deems proper.

DATED: April 14, 2022
Buffalo, New York

Respectfully submitted,

/s/ Joseph M. LaTona
JOSEPH M. LaTONA, ESQ.

Attorney for Defendant,
PETER GERACE, JR.
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSEPH BONGIOVANNI,
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Defendants.

AFFIDAVIT

Case No. 19-CR-227

STATE OF NEW YORK)
COUNTY OF ERIE) ss:
CITY OF BUFFALO)

JOSEPH M. LaTONA, being duly sworn, deposes and says:

1. Deponent represents defendant Peter Gerace, Jr. in connection with pre-trial proceedings in this case. James P. Harrington represents defendant Joseph Bongiovanni.
2. On April 7, 2022 defendants filed their Joint Defense Second Supplemental Memorandum of Law in Support of Motion to Obtain the Disclosure of Grand Jury Evidence and Instructions [Doc. 265].
3. On April 7, 2022 the Government moved to have said defense submission filed under seal [Doc. 267]. By text order dated April 11, 2022 the Court granted the Government's motion to seal [Doc. 268].
4. In light of the Court's April 11th text order, it is requested that the Joint Defense Submission Requesting That the Court Vacate Its Sealing Order of April 11, 2022 be filed under seal.

WHEREFORE, deponent respectfully requests that this Court grant the relief sought in the annexed Notice of Motion, together with such other and further relief as the Court deems proper.

/s/ Joseph M. LaTona
JOSEPH M. LaTONA, ESQ.

Sworn to before me this
14th day of April, 2022.

/s/ Sandra Lee Wright
Notary Public

SANDRA LEE WRIGHT
Notary Public, State of New York
Qualified in Erie County
My Commission Expires October 29, 2022

CERTIFICATE OF SERVICE

I hereby certify that on April 14, 2022 I electronically filed the preceding Notice of Motion and supporting Affidavit with the Clerk of the District Court using the CM/ECF system, which sent notification of such filing to the following:

**Joseph M. Tripi, Esq.
Brendan T. Cullinane, Esq.
Assistant United States Attorneys**

Defense Counsel

I further hereby certify that I have mailed by United States Postal Service said document to the following non-CM/ECF participants:

None

/s/ Sandra Lee Wright
SANDRA LEE WRIGHT